

5353. Adulteration and misbranding of olive oil. U. S. * * * v. 3 Cases of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7852. I. S. No. 2968-m. S. No. E-747.)

On November 15, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 cases of olive oil, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Italian Importing Co., Elizabeth, N. J., and transported from the State of New Jersey into the State of Maryland, the shipment having been received on or about October 7, 1916, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Finest quality olive oil Extra Pure * * * Guaranteed Absolutely Pure."

Adulteration of the article was alleged in the libel for the reason that it consisted of more than 50 per cent of cottonseed oil, which had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for said article.

Misbranding was alleged for the reason that the article was labeled and branded so as to deceive and mislead the purchaser; and for the further reason that its label contained statements which were false and misleading; and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, pure olive oil.

On January 31, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*